

B8  
cancel.  
DC  
-- 17. (Newly Added) The receiver of claim 11, further comprising a presenting section for presenting said content stream, wherein said controller controls said presenting section to alter said presentation. --

---

### REMARKS

Claims 1-17 are all the claims presently pending in the application. Claims 1, 5-6 and 9-13 have been amended to more particularly define the invention. Claims 1, 5-6 and 11-13 are independent. Claims 14-17 have been added to more completely define the invention.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current Amendment. The attached page is captioned "Version with markings to show changes made." These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, that Applicant's intent is to encompass equivalents of all claim elements.

Claims 1, 5-6, and 11-13 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of Flavin (U.S. Patent No. 6,005,603). Claims 1-5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Throckmorton, et al. (U.S. Patent No. 5,818,441). Claims 6-7 and 9-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hendricks, et al. (U.S. Patent No. 5,559,549). Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks, et al., as applied

to claim 7, and in view of Yoon, et al. (U.S. Patent No. 5,642,172). Claims 12-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks, et al., and in view of Diehl, et al. (U.S. Patent No. 5,659,653).

These rejections are respectfully traversed in the following discussion.

## **I. THE CLAIMED INVENTION**

The claimed invention is directed to an announcement system which includes an analyzer that analyses a content of a content stream, an announcement generator that creates an announcement containing a description about the content, a transmitter that transmits the announcement to a receiver and a controller. The announcement is generated by a party other than a broadcaster of the content. The controller controls the presentation of the content based upon the description and the time in the announcement.

Conventional information processing systems, which send content over a content stream such as a television broadcasting system, rely upon control exerted only by the broadcaster of the content or by the user viewing the content. Needless to say, the broadcaster of the content has ultimate control over the content being broadcast and some conventional systems have enabled automatic control over the viewing of the content by the television. However, this control has been based upon signals received from the broadcaster of the content, rather than an independent source which may be more trusted by a user than the broadcaster for providing a competent judgment about the content.

The present invention provides the user with the capability of having automatic control over the television through the use of an announcement system which provides announcements which are generated by a party other than a broadcaster of the content. For example, the present invention enables a user to have his television controlled by a religious, political, or other interest group which generates announcements regarding the content being broadcast by a broadcaster.

In another exemplary embodiment, an independent reviewing group may control a user's television based upon a rating system incorporated into an announcement. The independent reviewing group may concentrate on the nature of the content being provided by a broadcaster and its potential affect upon, for example, children who might view the content. The independent reviewing group may then issue announcements which automatically control a user's television. The user benefits from such a system because of the greater trust that a user may have in the independent viewing group as opposed to the broadcaster whose primary motivation may be obtaining a profit rather than protecting children.

The present invention provides these advantages over conventional systems by enabling an announcement generated by a party other than a broadcaster of the content to automatically control the presentation of that content.

## **II. THE DOUBLE PATENTING REJECTION**

The Examiner alleges that claims 1, 5-6 and 11-13 are obvious over claims 1-7 of U.S. Patent No. 6,005,603. Applicant submits that the claims of the patent do not render obvious the present claims. Specifically, the claims of the present application do not require that the

announcements be selectively added by any of a broadcaster and a party other than the broadcaster. To the contrary, the claims of the present application are directed to an invention which does not require this ability to selectively add. Applicant respectfully requests withdrawal of this rejection.

### **III. THE PRIOR ART REFERENCES**

#### **A. The Throckmorton et al. reference**

The Examiner alleges that the Throckmorton et al. reference teaches the claimed invention. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by this reference.

The Throckmorton et al. reference discloses a primary data stream generator 10 and an associated data generator 16. The primary data stream generator 10 generates the content being provided in a content stream. The associated data generator 16 generates “associated data” which is defined as “a stream of data generated separately from the primary data but having content that is relevant to a particular program of primary data” (col. 3, lines 55-59). The associated data is intended to enhance the utility of the primary data stream. The Throckmorton et al. reference teaches that this associated data may be “the result of interactivity with external sources of information” (col. 2, lines 59-60).

Alternatively, the Throckmorton et al. reference discloses that this “associated data” may include information which is only tangentially related to the primary data. For example, the Throckmorton et al. reference discloses that the associated data may include “external data

sources such as financial data, emergency broadcast information or weather information” (col. 5, lines 33-35). However, this “associated data” is clearly not associated with the primary data.

The Throckmorton et al. reference discloses that the primary data is presented to the consumer in the manner in which a typical consumer would expect to see the data (col. 6, lines 35-49). In other words, the presentation of the primary data by the system disclosed in the Throckmorton et al. reference remains unaltered.

The Throckmorton et al. reference also discloses that the associated data is provided to a computer at the consumer’s location (col. 6, lines 4-7). That computer is adapted to extract the different forms of associated data, converting them into a form that can be used by a communications manager 66 and the communications manager receives data to generate a display of information (col 6, line 57- col. 7, line 30).

In summary, the Throckmorton et al. reference discloses transmitting primary data along with associated data to consumer’s system. The consumer’s system immediately renders the primary data stream unaltered and stores the associated data in a computer. The user may then access the stored associated data on the computer to further enhance the experience of viewing the unaltered presentation of the primary data stream on a television (col. 7, line 53 - col. 8, line 15). Therefore, Throckmorton et al. reference does not teach or suggest the features recited in the independent claims of receiving an announcement which originates from a party other than a broadcaster and altering the presentation of the content from the broadcaster based upon a description in the announcement.

Indeed, the Throckmorton et al. reference is subject to the same problems of the conventional systems as described above. Conventional information processing systems rely upon control exerted only by the broadcaster of the content or by the user viewing the content to control the presentation of the content. Needless to say, the broadcaster of the content has ultimate control over the content being broadcast and these conventional systems have enabled automatic control over the viewing of the content by the television. However, this control has been based upon signals received from the broadcaster of the content, rather than an independent source which may be more trusted by a user than the broadcaster for providing a competent judgment about the content.

By contrast, the present invention provides the user with the capability of having automatic control over the presentation of the content through the use of an announcement system which provides announcements which are generated by a party other than a broadcaster of the content. The Throckmorton et al. reference is clearly incapable of providing the advantages described above.

Therefore, contrary to the allegations of the Examiner, the Throckmorton et al. reference does not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

**B. The Hendricks et al. reference**

The Examiner alleges that the Hendricks et al. reference teaches the claimed invention. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by this reference.

The Hendricks et al. reference discloses a television program delivery system. The system includes an operation center 202 which performs two primary services of packaging television programs and generating a program control information signal. At the operation center 202, television programs are received from external program sources, a programmer packages the programs using a computer assisted packaging equipment (CAP). The CAP assists the programmer by providing demographics data and ratings information (col. 7, lines 22-43).

The Hendricks et al. reference discloses that the system next provides these packages to cable headends 208 and may send different programming packages to different cable headends 208 and/or directly to set top terminals 220 (col. 7, lines 44-53).

After the CAP packages the programs, it creates a program control information signal to be delivered with the program package to the cable headend 208 and/or set top terminal 220. The program control information signal contains a description of the contents of the program package, commands to be sent to the cable headend 208 and/or set top terminal 220, and other information relevant to the signal transmission (col. 7, line 65 - col. 8, line 5).

The cable headend 208 operates as an intermediary between the operations center 202 and the set top terminal 220. The cable headend 208 acts as a distribution center to relay the program signal to the set top terminal 220 in each subscriber's home and acts as a network controller to receive information from each set top terminal 220 and to pass that information along to the operations center 202 (col. 8, lines 48-57).

The set top terminal 220 resides in the subscriber's home (col. 10, lines 10-11). The set top terminal 220 receives compressed programs and control signals from the cable headend 208

or, in some instances, directly from the operations center 202 (col. 10, lines 38-41). The set top terminal 220 operates to convert the information received from the cable headend 208 or operations center 202 to create a menu, enables a subscriber to browse the menu and select programs using the menu, and demultiplexes and extracts selected programs from the cable headend 208 for display on the television (col. 10, line 48 - 43).

The Hendricks et al. reference does not teach or suggest the features of the independent claims including receiving an announcement which originates from a party other than a broadcaster and altering the presentation of the content from the broadcaster based upon a description in the announcement.

To the contrary, the Hendricks et al. reference merely discloses receiving information from the broadcaster (from the operations center 202, either directly or via the cable headend 208). Indeed, the Hendricks et al. reference does not disclose receiving information from any source at all other than the broadcaster.

Moreover, the Hendricks et al. reference is subject to the same problems of the conventional systems as described above. Conventional information processing systems rely upon control exerted only by the broadcaster of the content or by the user viewing the content to control the presentation of the content. Needless to say, the broadcaster of the content has ultimate control over the content being broadcast and these conventional systems have enabled automatic control over the viewing of the content by the television. However, this control has been based upon signals received from the broadcaster of the content, rather than an independent



source which may be more trusted by a user than the broadcaster for providing a competent judgment about the content.

By contrast, the present invention provides the user with the capability of having automatic control over the presentation of the content through the use of an announcement system which provides announcements which are generated by a party other than a broadcaster of the content. The Hendricks et al. reference is clearly incapable of providing the advantages described above.

Therefore, contrary to the allegations of the Examiner, the Hendricks et al. reference does not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

**C. The Yoon et al. reference**

The Examiner alleges that the Yoon et al. reference would have been combined with the Hendricks et al. reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

The Yoon et al. reference discloses an image compensation system and method which compensates for an original image by judging the exterior environment of an appliance. In particular, the system senses color of the exterior lighting of an appliance and provides electrical signals corresponding to the color components of the sensed color. These signals are used to adjust the presentation of an original image.

Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to different matters. Specifically, the Hendricks et al. reference is directed to increasing the capacity, programming and improving the user interface for a cable television system, whereas the Yoon et al. reference is specifically directed to adjusting the presentation of an original image based upon the color of light impacting the device which presents the image.

Further, Applicant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner. Indeed, the Examiner does not even support the combination by identifying a reason for combining the references.

Moreover, the Yoon et al. reference, like the Hendricks et al. reference, does not teach or suggest receiving an announcement which originates from a party other than a broadcaster and altering the presentation of the content from the broadcaster based upon a description in the announcement as recited in the independent claims.

As noted above, the claimed invention receives an announcement which originates from a party other than a broadcaster and altering the presentation of the content from the broadcaster based upon a description in the announcement. Clearly, these novel features are not taught or suggested by the Yoon et al. reference. Indeed, the Yoon et al. reference is completely unrelated to the claimed invention.

Even assuming arguendo, that one of ordinary skill in the art would have been motivated to combine these references, even if combined, the combination would not teach or suggest each

and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

**D. The Diehl et al. reference**

The Examiner alleges that the Diehl et al. reference would have been combined with the Hendricks et al. reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

The Diehl et al. reference discloses a system which enables viewer to be able to program their VCR by impulse choice when viewing advertisements for a show that the viewer would like to record. The system provides program related data within the advertisement for the future program. When a viewer presses a LEARN button, the VCR evaluates and stores the program related data to ensure proper recording of the program (col. 1, lines 21-35).

However, Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to different matters. Specifically, the Hendricks et al. reference is directed to increasing the capacity, programming and improving the user interface for a cable television system, whereas the Diehl et al. reference is specifically directed to enabling a viewer to program their VCR by impulse choice when viewing advertisements for a show that the viewer would like to record.

Further, Applicant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner. Indeed, the Examiner does not even support the combination by identifying a reason for combining the references.

Moreover, the Diehl et al. reference, like the Hendricks et al. reference, does not teach or suggest receiving an announcement which originates from a party other than a broadcaster and altering the presentation of the content from the broadcaster based upon a description in the announcement as recited in the independent claims.

As noted above, the claimed invention receives an announcement which originates from a party other than a broadcaster and altering the presentation of the content from the broadcaster based upon a description in the announcement. Clearly, these novel features are not taught or suggested by the Diehl et al. reference. Indeed, the Diehl et al. reference is completely unrelated to the claimed invention.

Even assuming arguendo, that one of ordinary skill in the art would have been motivated to combine these references, even if combined, the combination would not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

#### **IV. FORMAL MATTERS AND CONCLUSION**

The Office Action objects to the drawings for failing to include reference numerals 150, 165 and 160. This Amendment amends the specification to remove these reference numerals. Applicant respectfully requests withdrawal of this objection.


In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-17, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 9/19/02

  
James E. Howard  
Registration No. 39,715

**McGinn & Gibb, PLLC**  
8321 Old Courthouse Rd., Suite 200  
Vienna, Virginia 22182  
(703) 761-4100  
**Customer No. 21254**

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the specifications:**

**Please replace page 4, lines 15-17 with the following:**

Figure 1 is a block diagram of the segment announcer system 100 showing one or more segment announcers 110, a communication connection 120, and one or more connected segment announcement receivers [150], e.g. a video recorder or a television.

**Please replace page 5, lines 16 through page 6, lines 5 with the following:**

In another preferred embodiment, the segment announcer 109 is a central data bank of descriptive information 250 about the content of various content streams 112 currently being transmitted and/or to be transmitted in the future. These descriptions can be submitted in real time (e.g., as describe about) over communication connections 120 like the Internet and/or can be provided from various interest groups as stored data files. For example, the owner of the segment announcer 110 would buy comments, rating, etc. from various movie critics and provide them to the segment announcement receivers [150] as they view them movie. Certain religious or political groups 111 might also provide descriptions (comments, ratings, etc.) about the information as well. Payments could be made for the descriptions 250, either by the owner of the segment announcer or by the groups 111 seeking to have their descriptions 250 transmitted to the segment announcement receivers [150]. The users 155 of the segment announcement receivers [150] might also pay for the transmission of these descriptions 250.

**Please replace page 6, lines 17 through page 7, lines 17 with the following:**

The segment announcement receivers [150] receive the announcements 115. The segment announcement receivers [150] are any signal processing device that processes the signal being transmitted over the communication connection 120. In one preferred embodiment, the communication connection is a television broadcast (e.g., off air or cable) and the segment announcement receiver is a television [150] and/or video recorder [(150, 160)]. Other examples of a segment announcement receiver [150] include: a radio 163, a deferred use device (like a tape delay (not shown) [165] or video recorder (not shown) [160]), a closed circuit television 162, and a computer 161. These devices [(generally 150)] have known communication interfaces 152 appropriate for the communication mode 120. For example, the interface 152 for the Internet might be a modem or network interface card and the interface 152 for a radio would be a tuner/demodulator circuit.

The announcements 115 are processed by the segment announcement receivers [150] to cause a function 170 to occur. Typically, the function 170 is performed by a particular known control device 180 and the function controls some aspect of the segment announcement receiver [150]. For example, if the descriptive information indicates that the content stream is a commercial, a function 170 would be performed to adjust the sound control (stop record) 180 of the television (video recorder) [150] to mute (stop) 170 at the beginning of the commercial and to restore the sound (resume recording) 170 at the end of the commercial. Other examples of functions 170 using known controls 180 are: a message display, a mute, a stop record, a play, a start record, a screen blanking, and an alarm.

In some preferred embodiments, the segment announcement receivers 150 have data structures 400 and processes 500 that are used to automatically control the function of the segment announcement receivers [150] based on the one or more of the content descriptions of one or more of the content streams. See the description below.

**Please replace page 12, lines 5-7 with the following:**

Figure 5 is a flow chart of a process 500 operating within the segment announcement receiver [150] that activates/deactivates the control output(s) 180 when certain packet information in the network message (announcement 115) is received.

**In the claims:**

**Please amend the claims to read as follows:**

1. (Twice Amended) A segment announcement receiver comprising:

a receiver section for receiving a [signal;] signal, wherein one or more content streams and one or more announcements are carried on the [signal;] signal, wherein each of said one or more announcements corresponds to a content being provided on said one or more content streams, [one or more announcements carried on the signal, the announcement containing] wherein each of said one or more announcements includes:

a description about said corresponding content in said one or more of the content [streams,] streams;



a time at which [the] said corresponding content [stream] is [received] transmitted on [the carrier] said signal, and

a content [stream] identifier,

wherein each of said one or more announcements [being selectively added to said signal by a broadcaster of said signal and selectively by] was created by a party other than said broadcaster; and

a controller that [performs a function determined by] alters a presentation of said content stream in accordance with the description and the time from a corresponding announcement.

5. (Twice Amended) A segment announcement receiver comprising:

a first receiver section for receiving one or more content streams on a content carrier signal;

a second receiver section for receiving one or more announcements, each of the announcements containing a description about a corresponding content within said one or more [of the] content streams, a time at which the corresponding content [stream] is transmitted [received] by the first receiver section, and a content [stream identifier] identifier; and

a controller that [performs a function in a signal processing device determined by] alters a presentation of said content stream in accordance with the description and the time from a corresponding announcement, wherein each of said one or more announcements [being selectively added to said signal by a broadcaster of said content stream and selectively] was created by a party other than said broadcaster.

6. (Twice Amended) A segment announcement system comprising:
- an analyzer that analyses a content of one or more content streams;
  - an announcement generator that creates [one or more announcements] an announcement containing a description about said content of one or more of the content streams; [and]
  - a transmitter section that sends [the] said announcement to one or more receivers using a signal, said [one or more announcements] announcement being [selectively] added to said signal [by a broadcaster of said content stream and selectively] by a party other than said broadcaster of said content, wherein each of said receivers comprises:
    - a controller that alters a presentation of said one or more content streams in accordance with the description and the time from a corresponding announcement.
9. (Amended) A segment announcement system, as in claim 6, where the announcement further comprises a time associated with the content [stream].
10. (Amended) A segment announcement system, as in claim 9, where the announcement further comprises a content [stream] identifier.
11. (Twice Amended) A closed circuit transmission system comprising:
- a [one or more] segment announcer [systems] comprising:
    - an analyzer that analyses a content of one or more content [streams;] streams, wherein said analyzer comprises a party other than a broadcaster of said content;

an announcement generator that creates [one or more announcements] an announcement containing a description about said content [one or more of the content streams] and a time associated with said [the] content [stream];

a transmitter section that sends the announcement over a communication network;  
and

[one or more] a segment announcement receiver [receivers] comprising:

a receiver section for receiving [a signal;] said announcement and said content stream, [one or more content streams on the carrier signal; one or more announcements carried on the signal, the announcement containing a description about one or more of the content streams, a time at which the content stream is received on the carrier signal, and a content stream identifier, said one or more announcements being selectively added to said signal by a broadcaster of said signal and selectively by a party other than said broadcaster];

a controller that [performs a function determined] alters a presentation of said content stream in accordance with by the description and the time in said announcement.

12. (Twice Amended) A process comprising:

adding an announcement to a signal including a content stream by a party other than a broadcaster of the content stream;

receiving [one or more] said content [streams,] stream, [each of the content streams having a content; receiving one or more announcements] said announcement having [one or more descriptions] a description about [the] a content of [one or more of the] said content stream;

[streams, said one or more announcements being selectively added to a content stream by a broadcaster of said content stream and selectively by a party other than said broadcaster;]

matching said description to said content; [one or more of the descriptions to one or more of the content streams;] and

presenting said content based upon said description [performing a function during the processing of one or more of the content streams] if the content [stream being processed] matches the description [one or more of the descriptions].

13. (Twice Amended) A segment announcement receiver comprising:

means for adding an announcement to a signal including a content stream by a party other than a broadcaster of the content stream;

means for receiving [one or more] said content stream, [streams, each of the content streams having a content; means for receiving one or more announcements] said announcement having [one or more descriptions] a description about [the] a content of [one or more of the] said content stream; [streams, said one or more announcements being selectively added to a content stream by a broadcaster of said content stream and selectively by a party other than said broadcaster;]

means for matching said description to said content; [one or more of the descriptions to one or more of the content streams;] and

means for presenting said content based upon said description [performing a function during the processing of one of the content streams] if the content [stream being processed] matches the description [one or more of the descriptions].

**Please add new claims 14-17 as follows:**

- - 14. (Newly Added) The receiver of claim 1, further comprising a presenting section for presenting said content stream, wherein said controller controls said presenting section to alter said presentation. - -

- - 15. (Newly Added) The receiver of claim 5, further comprising a presenting section for presenting said content stream, wherein said controller controls said presenting section to alter said presentation. - -

- - 16. (Newly Added) The receiver of claim 6, further comprising a presenting section for presenting said content stream, wherein said controller controls said presenting section to alter said presentation. - -

- - 17. (Newly Added) The receiver of claim 11, further comprising a presenting section for presenting said content stream, wherein said controller controls said presenting section to alter said presentation. - -